

## **REMARKS**

Reconsideration of the above-referenced application in view of the following remarks is respectfully requested.

Claims 1-9 are pending in this application.

The Examiner indicated in the Office Action that he had not considered the references mentioned in the instant application. Applicant submitted a PTO form 1449 on 4/28/03 listing those references. Applicant requests consideration of the patentability of Claims 1-9 over those references.

Claims 1-9 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 19-22 of U.S. Patent No. 6,545,344 (issued April 8, 2003 from application no. 09/887,857). Applicant is providing herewith a terminal disclaimer that obviates the rejection.

Applicant is of the opinion that the Miyaki application (US 2002/0146864) discussed by the Examiner is not prior art. Therefore, Applicant disagrees with the Examiner's reasoning for allowing Claims 1-9 over that reference.

Applicant respectfully requests reconsideration and withdrawal of the rejections and allowance of Claims 1-9. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,



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